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Plaintiff in pro per

FILED

2008 JUN 11 P 2:25

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

James Alan Bush,

Petitioner,

v.

Federal Bureau of Investigation,
and AGENT DOES ONE to TEN,
inclusive,

Respondents.

) Case No.: C 08-01354 (RS) JF
)
) NOTICE OF MOTION FOR SUMMARY
) JUDGMENT FOR PETITION FOR WRIT
) OF MANDATE PURSUANT TO TITLE 28
) U.S.C.S. § 1361

) [Fed. R. Civ. P. 56(a)]
)
)

) Judge Jeremy Fogel
)

NOTICE OF MOTION FOR SUMMARY JUDGMENT

To all parties and their respective attorneys of record:

Please take notice that on August 22nd, 2008, at 9:00 a.m., in
Courtroom 3, 5th Floor, Petitioner will move the Court for summary
judgment on the petition for writ of mandate against the Federal Bureau
of Investigation, Respondent, on the grounds set forth in the attached

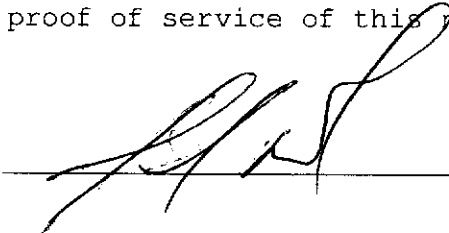
1 motion.

2 Alternatively, if for any reason summary judgment cannot be
3 had, Petitioner will seek an order adjudicating that the allegations
4 contained in the attached motion are established without substantial
5 controversy as against respondents and that no further proof shall be
6 required at trial, and that any final judgment in this action shall, in
7 addition to any matters determined at trial, be based on the following
8 issues:

- 9 1. The Federal Bureau of Investigation has a clear and present legal
10 duty (i.e., nondiscretionary ministerial and statutory requirement)
11 under Title 28 U.S.C.S. § 535(b) to report any information,
12 allegation, and complaint relating to violations of civil rights
13 guaranteed by the Fourteenth Amendment to the United States
14 Constitution and Title II of the Americans with Disabilities Act
15 (ADA) of 1990, and the laws of the United States, by officials acting
16 under color of law, to the United States Attorney General.
- 17 2. The Federal Bureau of Investigation has refused, and continues
18 to refuse, to comply with the requirements of Title 28 U.S.C.S.
19 § 535(b).
- 20

21 **RECORDS ON MOTION**

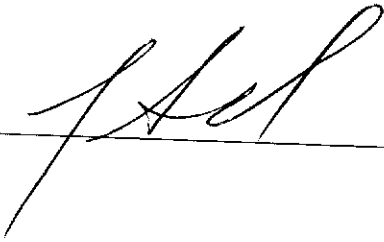
22 This notice is accompanied by a motion for summary judgment, a
23 verified petition for writ of mandate, and its memoranda and exhibits,
24 and the proof of service of this notice.

25
26 Signed: 

Dated: 6-11-08

CERTIFICATE OF SERVICE

A copy of the above notice of motion was mailed by certified mail, return receipt requested, to the Federal Bureau of Investigation, the Department of Justice, and the United States Attorney General, on June 11th, 2008.

Petitioner: 

Dated: 6-11-08